

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

IN ADMIRALTY

Case No. 23-81245-CV-MIDDLEBROOKS

CARLOS SARRIA and RENEE SARRIA,

Plaintiffs,

BLUE RIDGE BANK,

Intervening Plaintiff,

vs.

M/V TROPHY, a 1984 74' Huckins motor yacht,
her boats, engines, generators, tackle, rigging, apparel,
furniture, furnishings, equipment, contents and
appurtenances, etc., *in rem*; and RICHARD MAYER,
in personam, and JOHN DOLMETSCH, *in personam*,

Defendants.

ORDER ADOPTING REPORT & RECOMMENDATION

THIS CAUSE comes before the Court on Magistrate Judge William Matthewman's Report & Recommendation, entered on March 18, 2024. (DE 53). In the Report, Judge Matthewman recommends that I dismiss without prejudice Claimant Shelli Schmid's Claim for lack of prosecution, approve the Joint Stipulation of Dismissal with Prejudice, filed on February 5, 2024 (DE 51), and close the case. The Report sets a deadline of April 1, 2024, to object to the recommendations. No objections were filed on the record. Having reviewed the record in this case, I agree with Judge Matthewman's recommendations, and I will adopt the Report in its entirety.

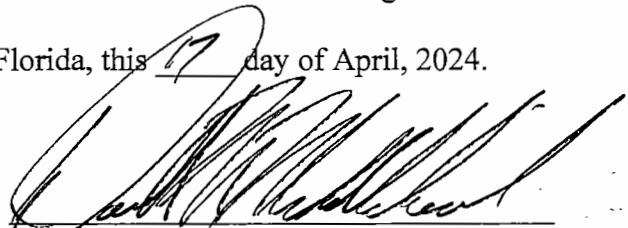
After all Parties except for Claimant Shelli Shmid attended a settlement conference with Judge Matthewman on January 23, 2024, Judge Matthewman notified the Court that the Parties

had settled in full. Subsequently, Plaintiffs, Carlos Sarria and Renee Sarria, along with Defendant vessel and Defendant Richard Mayer, filed a Joint Stipulation of Dismissal.¹ (DE 51). I note that the Parties' Stipulation is not self-executing, but rather conditioned upon the Court's reservation of jurisdiction to enforce the terms of the Parties' settlement agreement. Therefore, I will retain jurisdiction consistent with the terms of *Anago Franchising, Inc. v. Shaz, LLC*, 677 F.3d 1272 (11th Cir. 2012).

Accordingly, it is **ORDERED AND ADJUDGED** that:

- (1) Judge Matthewman's Report and Recommendation (DE 53) is **ADOPTED IN ITS ENTIRETY**.
- (2) Claimant Shelli Schmid's Claim (DE 21) is **DISMISSED WITHOUT PREJUDICE** for lack of prosecution.
- (3) Plaintiffs Carlos Sarria and Renee Sarria's claims against Defendants M/V Trophy and Richard Mayer are **DISMISSED WITH PREJUDICE**.
- (4) The above Parties shall bear their own fees and costs.
- (5) Pursuant to the Parties' request, I will reserve jurisdiction, for a period of six months, or until October 15, 2024, to enforce the terms of the Parties' Settlement Agreement.

SIGNED in Chambers, at West Palm Beach, Florida, this 17 day of April, 2024.



DONALD M. MIDDLEBROOKS
UNITED STATES DISTRICT JUDGE

¹ Despite the Joint Stipulation of Voluntary Dismissal with Prejudice (DE 51) only referencing Plaintiffs Carlos Sarria and Renee Sarria, Defendant M/V Trophy, and Defendant Richard Mayer, I note that Defendant John Dolmetsch, Blue Ridge Bank, Montana Specialty Holdings II, and Swiss Re Corporate Solutions America Insurance Company all appeared in some capacity at the January 23, 2024, Settlement Conference. (See DE 46).